

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

1:00 P.M.

OCTOBER 15, 2002

PRESENT:

Pete Sferrazza, Chairman
Joanne Bond, Vice Chairman
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Peter Simeoni, Legal Counsel

ABSENT:

Ted Short, Commissioner

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

02-1066 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that the agenda for the October 15, 2002 meeting be approved with the following amendment: **Delete** Item 16, a recommendation concerning merging the Verdi Township Justice Court into the Reno Township Justice Court. It was noted that Item 17, an update and possible direction regarding the 2002 Regional Plan, the Regional Plan Litigation, and associated issues would be heard at 5:00 p.m.

PUBLIC COMMENTS

There was no response to the call for public comments.

MANAGER'S/COMMISSIONERS' COMMENTS

Chairman Sferrazza requested a future agenda item to discuss eliminating the triple-trailer trucks on the highways in Washoe County.

Commissioner Shaw thanked Karen Mullen, Director of Parks & Recreation, and her staff for their hard work and complimented them on the dedication ceremonies held for the new parks at ArrowCreek and Highland Ranch.

INTRODUCTION OF NEW EMPLOYEES

Approximately 15 new Washoe County employees introduced themselves to the Board. Chairman Sferrazza welcomed them to Washoe County.

02-1067 PROCLAMATION - NATIONAL FOOD BANK WEEK

Chairman Sferrazza read the following Proclamation into the record and presented it to Doris Phelps of the Food Bank of Northern Nevada. Ms. Phelps thanked the County Commissioners for their support of the Food Bank throughout the years.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, it was ordered that the following Proclamation be adopted and Chairman Sferrazza be authorized to execute the same:

PROCLAMATION

WHEREAS, The week of October 13-19, 2002 is National Food Bank Week; and

WHEREAS, October 16, 2002 will be recognized internationally as World Food Day; and

WHEREAS, The Food Bank of Northern Nevada gave away more than 2 million pounds of food in 2001-2002 through its network of more than 80 non-profit agencies in Northern Nevada and the Sierra; and

WHEREAS, Comparable amounts of food purchased at wholesale rates would have cost the non-profit agencies nearly \$3.5 million; and

WHEREAS, The efforts of the community to provide donated money, food and volunteer hours to serve the nutritional needs of families, the elderly, the ill, children and the unemployed shows the strength of our citizens to come together to address an important community problem; and

WHEREAS, In its ongoing mission to create a hunger free community, the Food Bank of Northern Nevada celebrates National Food Bank Week and the fifth anniversary of its Kids Café program, which provides meals for low income elementary and middle school children throughout the year; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that October 13 through 19, 2002 is "FOOD BANK WEEK" in Nevada.

02-1068 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 67 sexual assault victims in an amount totaling \$13,391.77 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated September 30, 2002 and placed on file with the Clerk.

02-1069 ALCOHOL BEVERAGE WAIVERS - RENO AND SPARKS SENIOR CENTERS - SENIOR SERVICES

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that the prohibition of serving alcoholic beverages be waived for the following events:

1. The Sparks Sertoma's annual Senior Christmas Dinner to be held Saturday, December 14, 2002 at the Reno Senior Center;

2. The Senior Dance Club of Nevada's annual "New Year's Eve Dinner and Dance" to be held Tuesday, December 31, 2002 at the Reno Senior Center; and

3. The Reno Singles annual Christmas dinner party to be held Saturday, December 14, 2002 at the Sparks Senior Center.

02-1070 ACCEPTANCE OF DONATION - INTERNATIONAL GAME TECHNOLOGY (IGT) - D.A.R.E. PROGRAM - SHERIFF

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that a donation of \$500 from International Game Technology for the D.A.R.E Program be accepted with the Board's gratitude.

02-1071 SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION TO STATE OF NEVADA - GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that submission of the Washoe County Home Rehabilitation Program for the Community Services Agency

grant application to the State of Nevada for CDBG funding consideration be approved and Chairman Sferrazza be authorized to execute the documents for the same. It was noted that no County matching funds are required.

02-1072 BUDGET AMENDMENT - FY 2002/03 - FAMILY PLANNING PROGRAM - HEALTH

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that an amendment to the District Health Department Fiscal Year 2002/03 Family Planning Program budget in the amount of \$1,500 in Federal funds be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
002-1700-1730G1-4301	Federal Funds	\$1,500.00
002-1700-1730G1-7620	Travel	\$1,500.00
	Total Expenditures	\$1,500.00

02-1073 BUDGET AMENDMENT - FY 2002/03 - IMMUNIZATION OPERATIONS PROGRAM - HEALTH

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that an amendment to the District Health Department Fiscal Year 2002/03 Immunization Operations Program budget in the amount of \$24,844 in Federal funds be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
002-1700-1735G1-4301	Federal Funds	\$24,844
002-1700-1735G1-70021	Pooled Positions	\$ 3,848
-7140	Other Professional Services	\$ 4,686
-72051	Personal Computer	\$ 2,600
-72052	Printers	\$ 1,100
-7247	Medical Supplies	\$ 6,500
-7250	Office Supplies	\$ 500
-7261	Postage	\$ 1,352
-7357	Printing	\$ 3,100
-7382	Telephone	\$ 1,158
	Total Expenditures	\$24,844

02-1074 RESOLUTION - INITIATING AMENDMENT TO WASHOE COUNTY DEVELOPMENT CODE - COMMUNITY DEVELOPMENT

Upon recommendation of Adrian Freund, Community Development Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, it was ordered that the following Resolution be approved and Chairman Sferrazza be authorized to execute the same:

**RESOLUTION
INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE TO RENUMBER, REFORMAT AND UPDATE THE STYLE OF THE WASHOE COUNTY CODE AS PART OF THE PROCESS TO REINTEGRATE THE WASHOE COUNTY DEVELOPMENT CODE INTO THE WASHOE COUNTY CODE**

WHEREAS, prior to 1993, the Washoe County Development Code was part of the main body of the Washoe County Code;

WHEREAS, on December 22, 1992, an ordinance was passed that took the chapters dealing with planning and zoning, subdivision of land, mobile home subdivision and parks, flood hazard reduction, and other land-related issues and combined them into what we now know as Chapter 110, the Washoe County Development Code;

WHEREAS, the Washoe County Code and the Washoe County Development Code have been maintained as separate documents with different numbering systems and formats since that time;

WHEREAS, the Washoe County Code Committee-comprised of staff from the Washoe County Clerk's Office, the Washoe County District Attorney's Office and the Washoe County Community Development Department-was formed to examine the feasibility of reintegrating the Washoe County Development Code into the Washoe County Code;

WHEREAS, because the process for amending the Washoe County Development Code is different than the process for amending the rest of the Washoe County Code, the goal was to present a new look that would be visually compatible, with standardized numbering and formatting, that would continue to allow for separate maintenance of the Code;

WHEREAS, on June 10, 2002, a workshop was held where the Washoe County Code Committee presented its recommendations to the Washoe County Board of County Commissioners;

WHEREAS, the Washoe County Board of County Commissioners favorably received the Washoe County Code Committee's recommendations and directed staff to proceed with the renumbering, reformatting and updating of the style of the codes in order to reintegrate the Washoe County Development Code into the Washoe County Code to result in a similar look and style for the documents;

WHEREAS, there is a need to initiate an amendment to the Washoe County Development Code to consider changes to the numbering and style of the document; and

WHEREAS, there is no one person, group or entity who might appropriately file a Washoe County Development Code amendment application for this purpose; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, that the Board does hereby initiate amendments to the Washoe County Development Code without prejudice to the final dispensation of the proposed amendment.

**02-1075 RENO FLOOD WARNING SYSTEM - EMERGENCY FLOOD
RESPONSE PLAN - INCREASE CONTRACT AMOUNT - ARMY
CORPS OF ENGINEERS - WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, and Paul Urban, Flood Control Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, it was ordered that Chairman Sferrazza be authorized to execute the Schedule and Cost Change Request (SACCR) to increase the contract amount for the Reno Flood Warning System and add the task of completing the specific task level Emergency Flood Response Plan for the Truckee Meadows. It was further ordered that the expenditure of \$50,160 from the 1/8-cent infrastructure sales tax be authorized to do this work.

02-1076 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, it was ordered that the Roll Change Requests, correcting factual errors on tax bills already mailed, be approved and mailed to the affected property owners, copies of which were placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Sferrazza be authorized to execute on behalf of the Commission.

**UPDATE - TAHOE REGIONAL PLANNING AGENCY SCENIC
ORDINANCE - COMMUNITY DEVELOPMENT**

Juan Palma, Executive Director, Tahoe Regional Planning Agency (TRPA), stated, because the scenic quality of the Lake Tahoe Region has been declining, TRPA believes steps need to be taken, and ordinances need to be implemented to maintain the adopted thresholds. In response to Chairman Sferrazza, Mr. Palma explained that nine threshold standards were adopted by TRPA in 1982 to be used as a measurement; and every five years a group of individuals looks at everything and rates whether each area has gone up or down. Commissioner Galloway added that the Lake is divided into 33 shoreline segments, each of which was originally given a score; and each area is scored again every few years. Commissioner Galloway stated, although the same individuals are do the scoring, the process has a strong, subjective element.

Mr. Palma then described the process they have been following during the last couple of months with a group of 15 individuals who have been meeting to address the concerns and refine the proposed ordinance. Mr. Palma detailed the changes that have been made to the ordinance and stated those will be presented to the TRPA Governing Board on October 23rd.

Commissioner Shaw asked how public comment was solicited and received. Mr. Palma stated all their meetings have been open, public meetings, and they held public workshops as well. He stated they received both written and verbal comments and have hundreds of signatures from people on both sides of the issue.

Commissioner Galloway reported the Lake Tahoe residents are saying that, although there have been improvements, there are still problems with the size caps and the visual magnitude requirements.

In response to Chairman Sferrazza, Mr. Palma explained the scoring process in more detail and stated they are trying to keep a balance between nature and man-made structures and have man-made structures blend with the environment.

Commissioner Shaw asked if the 922 single-family residences that will be affected were personally notified and whether they would be able to obtain their individual scores. Mr. Palma stated they notified the associations and all of the association presidents and executive directors have attended the meetings representing the homeowners. He further responded they advertised that properties would be scored at the workshop if people brought a photo of their home to the workshop. Otherwise, they are poised to provide the scores if the ordinance passes.

Commissioner Galloway then conducted a slide presentation showing photos and drawings of various properties on Lake Tahoe's shoreline and how they would be affected by enactment of the proposed ordinance. He reiterated that the people he represents are opposed to many sections of this ordinance, especially the imposition of visual magnitude standards.

Sam Dehne, Reno citizen, stated people who own land at Lake Tahoe should have the right to build without any heavy-handed oversight by TRPA.

Gary Schmidt, Washoe County resident, commended Commissioner Galloway for his efforts on behalf of the residents of Lake Tahoe and stated he is in agreement with Commissioner Galloway.

Chairman Sferrazza thanked Mr. Palma for updating the Commission and for working with the people on this matter.

**02-1078 APPEARANCE - TERRI SVETICH, CHAIRPERSON,
INTERLOCAL STORMWATER COMMITTEE**

Terri Svetich, P.E., Chairperson, Interlocal Stormwater Committee, presented an update on the Truckee Meadows Regional Stormwater Quality Management Program and provided background information on the National Pollutant Discharge Elimination System (NPDES) Permit. She described the goals and activities of the Program, such as inspection programs for industrial and construction projects, monitoring land use planning, establishing best management practices for construction projects and municipal operations, and conducting public outreach and education. Ms. Svetich stated that both the USEPA (United States Environmental Protection Agency) and NDEP (Nevada Division of Environmental Protection) are requiring that stormwater quality inspections for industrial and construction sites begin by July 1, 2003, which is much earlier than they had anticipated and will be quite burdensome on the local entities.

In response to Chairman Sferrazza, Ms. Svetich stated the Committee has been working with both the Associated General Contractors and the Builders Association of Northern Nevada concerning implementation of inspections on construction sites.

Ms. Svetich stated they are working very hard to promote a regional program. Uniform ordinances, policies and procedures, and a Best Management Practices (BMP) Handbook need to be adopted by the local entities. She stated the Regional Water Planning Commission recognized that the program would be very valuable for watershed protection and allocated \$177,000 for development of the Construction Site Discharge BMP Handbook and a manual for Structural Controls. The first draft of the BMP is complete and has been presented at workshops. Their plan is to finalize the handbook in January, and then the Committee will be going to the entities regarding ordinances and budgets.

Commissioner Shaw asked how these new rules and regulations would be enforced. Ms. Svetich stated the NDEP inspectors will be doing some of the inspections, but it is expected that each entity will also have inspectors checking the construction sites.

Commissioner Galloway asked if there would be on-site containment required. Ms. Svetich replied the current NDEP requirement is that stormwater controls be in place for the two-year, 24-hour storm; and that will probably be the level applied locally. Commissioner Galloway asked if filtering of pollutants that leave the site would also be required. Ms. Svetich stated that would be appropriate in most cases and large projects would probably be required to have detention basins as well.

02-1079 **ACCEPTANCE OF WILBUR D. MAY CENTER ANNUAL OPERATING REPORT AND \$325,000 IN FISCAL YEAR 2002-03 DONATIONS**

Upon recommendation of Karen Mullen, Director of Parks & Recreation, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that the Wilbur D. May Center Annual Operating Report be accepted. It was further ordered that \$325,000 in donations from the Wilbur May Foundation as follows: \$250,000 for operating support of the Wilbur May Center for fiscal year 02/03, \$25,000 in support of the traveling exhibit "Elephants," and \$50,000 initial funding for remodel of the Wilbur D. May Museum, be accepted with the Board's gratitude.

02-1080 **BILL NO. 1355 - AMENDING WCC CHAPTER 25 - FICTITIOUS BUSINESS NAMES**

Gary Schmidt, Washoe County resident, expressed concern that the proposal to require renewal of fictitious business names is just another effort to tax businesses and raise revenue, as well as establish a method to clean up archaic records. He stated this would not be a fair and equitable tax because not all businesses have fictitious names. Mr. Schmidt further advised there is an annual renewal process for business licenses and renewing the fictitious firm name should be incorporated into that process as that would save a lot of taxpayer expense.

Commissioner Galloway stated not all businesses have a DBA, or fictitious firm name; and Washoe County only issues business licenses to businesses in the unincorporated area, whereas all fictitious firm names are filed with the County Clerk. He also asked how the five-year timeframe was established.

Doug Johnson, County Clerk's Office, reported that Chapter 602 of the Nevada Revised Statutes specifically provides for a five-year renewal. In response to Chairman Sferrazza, Mr. Johnson stated a business is required to file a fictitious firm name whenever the owner of the business can not be identified by the business name.

Bill No. 1355, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS SETTING FORTH REQUIREMENTS FOR FILING OF THE CERTIFICATION AND RENEWAL OF CERTIFICATION FOR FICTITIOUS BUSINESS NAMES**" was

introduced by Commissioner Bond; the title was read to the Board; and direction was given to publish legal notice for final action of adoption.

02-1081 EXPENDITURE APPROVAL - ELECTRONIC RECORDING SYSTEM - RECORDER

. Upon recommendation of Kathy Burke, Washoe County Recorder, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that the expenditure of \$106,000 for the acquisition of an electronic recording system for the Washoe County Recorder's Office be approved. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a Software License Agreement between the County of Washoe and Ingeo Systems, Inc., in the amount of \$75,000, for the electronic recording system upon receipt and a Sales Agreement between the County of Washoe and Eagle Computer Systems, in the amount of \$31,000, for integration of the electronic recording system upon receipt

02-1082 CONTINGENCY TRANSFER - DISTRICT COURT - ADULT DRUG COURT - FINANCE

 Upon recommendation of Darin Conforti, Senior Fiscal Analyst, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried with Commissioner Short absent, Chairman Sferrazza ordered that a transfer from the general fund contingency account (Account No. 001-1890-7328), in an amount up to \$104,832, to the District Court budget (Account No. 001-120511-7103) for increased enrollment in Adult Drug Court be approved. It was further ordered that the Court provide quarterly reports to the Board on drug court performance.

3:20 p.m. The Board recessed.

5:00 p.m. The Board reconvened with all Board members present.

02-1083 2002 REGIONAL PLAN, REGIONAL PLAN LITIGATION – SETTLEMENT AGREEMENT

 Prior to the recess, Sam Dehne, Reno resident, voiced his opposition and concerns regarding the County agreeing to any settlement with the City of Reno.

 Michelle Poché, Assistant County Manager, conducted an overhead presentation of the proposed terms of the 2002 Regional Plan, Regional Plan Litigation Settlement Agreement. She stated that Washoe County filed a lawsuit because of its objections to the Regional Plan, which included (1) a lack of public input incorporated in the Regional Plan, (2) a lack of protections for existing communities, (3) a lack of criteria by which to measure standards, policies, and conformance, and (4) a lack of consideration of resources (natural, infrastructure and service delivery). Ms. Poché reviewed the following reasons for staff's recommendation that the Board consider

approval of the Agreement. She said, if Washoe County chose not to settle the lawsuit, the County could possibly lose the litigation altogether, and the implication would be that the Regional Plan adopted on May 9, 2002 would be upheld. If the County won the lawsuit, the portions of the Regional Plan that the County challenged would be thrown out and the issues would go back to square one in trying to draft a new Regional Plan. There would be a good chance that the discord between the jurisdictions would continue, and there would no longer be the benefit of mediation from the Court. If the mediated settlement being presented today is approved, the Regional Plan would be upheld with amendments included in the Settlement Agreement that would allow the County and its Citizens Advisory Boards (CAB's) to have a voice in the planning the Cities do in their expanded Spheres of Influence (SOI's). She advised the Agreement also provides criteria for cooperative planning and regional planning that does not currently exist.

Ms. Poché reviewed the provisions of the Settlement Agreement relating to the newly defined Cooperative Planning process within expanded SOI's and areas of interest outside the SOI's, annexations inside and outside the SOI's, and Regional Plan amendments. She advised there would be no increases in SOI's as the existing communities that were excluded from the May 9 spheres would continue to be excluded, and any adjustments to the expanded spheres would be rolled back. She said the expanded spheres would be subject to the Cooperative Planning process. Ms. Poché stated that the areas of interest outside the SOI's are defined in the Agreement and would be subject to refinement over the next 120 days through a notification and dispute resolution process. She said the Cooperative Planning process created within the expanded spheres would retain the County master plan land use designations, and any proposed changes to land use zoning or development standards would require a review by the CAB's and the County Commission. Disputes regarding final decisions on the expanded spheres could be taken to the Regional Planning Commission, the Regional Planning Governing Board, and if necessary, to the District Court for final resolution. The City would also agree to established Cooperative Planning criteria that includes natural resources, water resources to be defined by the Regional Water Planning Commission, open space, housing, jobs/housing balance, timing and phasing of infrastructure, public service levels and associated fiscal impacts, adjacency and edge matching standards and development standards.

Ms. Poché stated that, under the Settlement Agreement, for areas outside of the expanded spheres identified as areas of interest by the Cities, the County would be required to notice the Cities of proposed planning decisions, and the Cities would have an opportunity to provide input to the County. Disputes over those issues could be brought to District Court Department 9 and would not go through the Regional Planning Governing Board. There would be a seven-year plan for annexations inside the spheres that would be done under programs of annexation adopted by the Cities, which would be required to conform with State law. She reviewed the criteria that must be taken into consideration relative to annexations inside the SOI's. Ms. Poché advised that annexations outside of the expanded spheres must be contiguous and voluntary and established criteria must be reviewed. Annexations outside the SOI's would be subject to Cooperative Planning. She further advised that Judge Hardesty has dictated that the

Regional Plan be recognized as "natural resource constrained," and criteria have been established for conformance review and for future amendments to the Regional Plan.

Ms. Poché said staff believes the Agreement helps achieve the Board's goal that the Regional Plan be based on citizen input, community vision and resource analysis. She stated that staff recognizes that no one achieved everything they wanted, but believes it is better to accept what was accomplished rather than go through the legal debate where the County may or may not succeed in obtaining its goals. Ms. Poché responded to questions of the Board concerning the comment process, the appeal process, and the Cooperative Planning process outlined in the Settlement Agreement.

Legal Counsel Shipman responded to questions of Chairman Sferrazza concerning further mediation regarding the annexation requests for the Kelly, Bushey and McMullen/Beckworth properties. She advised that the County said they would only consider these three properties as the property owners have actually requested a sphere change in that area. She said it is her understanding this is a limited mediation, but there is no time frame; and she believes the process should be started sometime within the 120-day dispute resolution period. Chairman Sferrazza asked that the Golden Valley Homeowners Association be notified of all the meetings on these mediations and be able to represent their interest.

Chairman Sferrazza inquired about issues concerning adjacency and edge matching standards and buffer standards for convenience commercial uses in the Golden Valley high school area. Ms. Shipman advised that Judge Hardesty said that edge matching would only continue under each jurisdiction's existing Codes at the beginning of the process, and development of a more universal criteria would be worked on by the various jurisdictions over the next 120 days. Adrian Freund, Director, Community Development, advised that it is staff's intent to develop criteria establishing true edge matching standards for new developments that abut existing communities. Commissioner Galloway commented that Judge Hardesty did not deny the 1500-foot rule and the feathering for convenience commercial standards for the high school in Golden Valley, but simply relegated it as a negotiated matter.

Sarah Chvilicek, Chair, North Valley Citizens Advisory Board, said her concern is with the need to maintain relevant and meaningful citizen involvement, noting that people feel their voices are acknowledged but not honored. She commented that the current regional planning process is irretrievably broken and, even with the Settlement Agreement, there is still an imbalance of power. She would like to see the entire regional planning process go before the 2003 Legislature to balance the power where all entities and parties have an equal voice.

Andy Manor, Mogul/Verdi resident, thanked everyone that worked over the last two to three weeks on this process. He said the number one priority is that citizens be heard and involved in development processes in their areas.

Sharon Stanley, Reno resident, requested information regarding buffering between new and existing developments and how annexation might affect properties on wells and septic tanks. She said she would like to see the process move forward and not be delayed for several years in a lawsuit. Legal Counsel Shipman responded to Ms. Stanley's questions.

James Middagh, area resident, Tom Gallagher, Summit Engineering Corporation, and Bob Lopes, Reno resident, spoke in support of the Agreement.

Mike Lynch, Building Association of Northern Nevada, spoke in support of the Settlement Agreement. He said people need to be careful when talking about not having enough water. He stated that no development can go forward without the necessary resources already dedicated to the service providers, and, if there is no water, the development would not be built regardless of the land designation.

Eddie Anderson, area resident, stated that, at a County Commission meeting in September, upon his inquiry, Chairman Sferrazza stated he supported his wife, a candidate for the Reno City Council, who stated that, if elected, she would aggressively work to roll back Spheres of Influence. He asked Chairman Sferrazza to recuse himself from any vote on this item because of this conflict of interest.

Chairman Sferrazza responded that he believes each County Commissioner took a position in favor of rolling back the SOI's, which is why the County filed the lawsuit that led to this negotiation process. He said he does not believe that issue is even a problem anymore, and he would not recuse himself.

Ed Graham, area resident, said he represented several people who support the proposal. He discussed his concerns about the way this process has occurred over the last two years and the lack of cooperation by some individuals.

Gary Feero, area resident, asked if the proposed Agreement would force a tax increase to meet performance levels, what represents meaningful CAB input, who sets community goals, and if the citizens would lose the ability to go to the Legislature to try to change problems that negatively impact their area.

Gary Schmidt, County resident, stated he participated in the Regional Plan public process and the mediation process. He said he has confidence in Judge Hardesty and supports the proposed Settlement Agreement.

Kim Toulouse, Mogul area resident, expressed concerns about the islands created by the Regional Plan, such as the Mogul area, that are susceptible to involuntary annexation. He said he disagrees that there is enough water and does not see that issue addressed in the Agreement. Mr. Toulouse commented that other natural resources include wildlife and habitat, which is being destroyed by development.

Neal Cobb, Golden Valley property owners, said it is extremely important that Golden Valley be part of the feathering standard, and there is a need for the 1500-foot buffer standard between any convenience commercial property and the high school. He then discussed the disparity in the voting makeup for regional planning issues where the County has a minority vote. He said he does not see where the unincorporated residents have any protection unless this issue is addressed at the Legislature.

Terri Shannon, Mt. Rose Highway resident, thanked the County Commissioners for filing the lawsuit and taking the time and energy to look at how to develop a reasonable Regional Plan that meets the needs of all residents. She said it is very important to address the issue of meaningful CAB responses, and stated she thinks the verdict is still out as to whether there is enough water in the region.

Chairman Sferrazza read statements from Tom Reviglio, Western Nevada Supply, Mike Dianda, Q & D Construction, Inc., Lynn Walters, Summit Engineering, Inc., and Jim Grogan, Reno resident, in support of the Settlement Agreement.

Patrick Sanderson, Labor Local 169, spoke in support of the Agreement. He said legal battles would hurt the community and commended Judge Hardesty for working so hard to bring this Agreement about.

David Howard, Reno-Sparks Chamber of Commerce, said there has been progress in the community, which is sometimes difficult to see. He stated the Chamber supports the proposed Agreement and requests the Board adopt it in the interest of community harmony and cooperation.

David Heuss, Verdi resident, asked questions about the Verdi annexation lawsuit, which Legal Counsel Shipman answered.

Tom Carroll, SMC Construction, said he believes the settlement put together by Judge Hardesty is equitable and fair, and represents a reasonable compromise that is beneficial for the entire region.

Commissioner Bond stated she would support the Settlement Agreement, noting that no one achieved everything they wanted. She commented that she has never seen a better cooperative effort by the three entities to hammer out the issues.

Upon inquiry of Chairman Sferrazza, Chad Giesinger, Community Development, reviewed maps showing the SOI areas to be rolled back in Golden Valley.

Commissioner Shaw stated he would support the Settlement Agreement. He thanked the Board members for their efforts in representing the County in this negotiated process. He also thanked Judge Hardesty. Commissioner Shaw said he is encouraged by the Cooperative Planning process criteria because that should address issues and concerns. He stated requiring input from the CAB's will have an impact on outcomes in areas where there is concern.

Commissioner Short thanked everyone that worked on the negotiation process that resulted in the Settlement Agreement. He said he thinks this compromise represents a leap in faith, but it is time to work together as a community. He stated he would support the Settlement Agreement.

Commissioner Galloway commended Judge Hardesty for his efforts in this process. He said the Agreement has some good things and some things that are less than satisfactory, and some of the remaining issues have the potential to be developed into firmer criteria. He stated that Judge Hardesty has taken the time to become informed over many of the issues and, although there are things in the Agreement that are risky, he thinks it is a preferable alternative to continued litigation.

Chairman Sferrazza thanked Legal Counsel Shipman for all her efforts that led to the negotiation that resulted in this Agreement. He thanked County staff, the staff of the other jurisdictions and the City Councilmembers of Sparks and Reno that made this Agreement possible. He said he has some reservations about the Agreement but is willing to take the leap of faith to support it. Chairman Sferrazza requested that he and the Golden Valley homeowners be included in the Golden Valley negotiations. He said he would also like to be consulted regarding the negotiations concerning edge matching adjacency and the convenience commercial standards in Golden Valley. Overall, he thinks there are great benefits to residents of the unincorporated area; the County achieved a partial rollback of the spheres; and the County obtained the agreement for Cooperative Planning within the continued sphere area.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Version 4 of the Terms of the Settlement Agreement dated October 14, 2002 at 5:00 p.m. incorporating Exhibits 1 through 10 attached thereto, which was placed on file with the Clerk, concerning Washoe County and the Sun Valley GID vs. Truckee Meadows Regional Planning Governing Board, Case No. CV02-02469, be approved.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

02-1084 COMMUNICATIONS

- A. Memo, dated June 20, 2002 from Jim Smitherman, Water Management Planner Coordinator, through Jeanne Ruefer, Water Resources Planning Manager, to Steve Bradhurst, Director, Department of Water Resources, whereby the Regional Water Planning Commissioner recommends execution of an Independent Contractor Agreement to provide technical assistance, research and testimony at local government board meetings in

support of proposed plumbing code amendments with the following attachments:

1. Attachment A: Excerpt of Minutes, Board of County Commissioners meeting, Tuesday, March 26, 2002, item number 02-340 Resolution – authorizing the Division of Water Resources to execute contracts valued at \$25,000 under certain conditions; and
 2. Agreement for Professional Services between Best Management Partners and Washoe County, not to exceed \$10,000.
- B. Copy of letter dated September 23, 2002 from Nevada Department of Transportation to Q & D Construction Inc. returning their bid bond and advising them that the following contract has been completely executed and a satisfactory bond furnished and approved: Contract No. 3129, Project No. SPF-028-1(011), on SR 28, from Sand Harbor to 0.70 miles north, Washoe County, Q & D Construction, Inc., Contractor. Also attached is one original copy of the document containing the Special Provisions, Proposal, Contract, and Bond and Construction Plans.

02-1085 REPORTS – (2000 Tax Roll)

Washoe County Value Change Log: 2000 Roll 10/26/00

02-1086 REPORTS – Annual (Fiscal Year 2001-2002)

FY2001-2002 Report of Local Government Indebtedness

02-1087 REPORTS – Annual (Fiscal Year 2002-2003)

- A. City of Reno, Nevada 2002/2003 Adopted Budget

02-1088 REPORTS – Monthly (August, 2002)

- A. Washoe County Clerk
- B. Washoe County Animal Control
- C. Washoe County Treasurer

REPORTS – Monthly (September, 2002)

- A. Court Clerk
- B. Washoe County Clerk

REPORTS – Quarterly (Ending September 30, 2002)

- A. Washoe County Clerk

B. Court Clerk

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There being no further business to come before the Board, the meeting adjourned at 6:45 p. m.

PETER J. SFERRAZZA, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Sharon Gotchy and Barbara Trow
Deputy County Clerk*